

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

- 1) (currently amended) A composition comprising:
  - a) from 0.001% to 5 % of a zinc-containing layered material wherein the zinc-containing layered material is ~~an impurity containing~~ a basic zinc carbonate containing an impurity;
  - b) from 10 % to 50% of a surfactant including a surfactant with an anionic functional group;
  - c) from 0.01% to 5% of a pyrithione or a polyvalent metal salt of a pyrithione; wherein the ~~impurity-containing~~ basic zinc carbonate containing an impurity has a relative zinc lability of greater than 15% and further wherein the ratio of surfactant to ~~impurity-containing~~ basic zinc carbonate containing an impurity is greater than or equal to 2 to 1.
- 2) (canceled)
- 3) (previously presented) A composition according to Claim 1 wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione.
- 4) (canceled)
- 5) (canceled)
- 6) (canceled)

- 7) (previously presented) A composition according to Claim 1 wherein the surfactant is selected from the group consisting of anionic, cationic, nonionic, amphoteric or zwitterionic.
- 8) (original) A composition according to Claim 7 wherein the surfactant is anionic.
- 9) (previously presented) A composition according to Claim 1 wherein the pH is greater than 6.5.
- 10) (previously presented) A composition according to Claim 9 wherein the pH is from 6.8 to 9.5
- 11) (previously presented) A composition according to Claim 10 wherein the pH is from 6.8 to 8.5.
- 12) (currently amended) A composition according to Claim 1 wherein the ~~impurity~~ ~~containing~~ basic zinc carbonate containing an impurity has a relative zinc lability of greater than 20%.
- 13) (currently amended) A composition according to Claim 1 wherein the ~~impurity~~ ~~containing~~ basic zinc carbonate containing an impurity has a relative zinc lability of greater than 25%.
- 14) (canceled)
- 15) (canceled)
- 16) (canceled)

17) (canceled)

18) (original) A composition according to Claim 1 wherein the composition further comprises a cationic deposition polymer.

19) (original) A composition according to Claim 1 wherein the composition further comprises a conditioning agent.

20) (original) A composition according to Claim 1 wherein the composition further comprises a suspending agent.

21) (original) A composition according to Claim 20 wherein the suspending agent is selected from the group consisting of crystalline suspending agent, polymeric suspending agent or mixtures thereof.

22) (original) A composition according to Claim 21 wherein the suspending agent is a crystalline suspending agent.

23) (previously presented) A method of treating microbial infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

24) (previously presented) A method of treating fungal infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the

composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

25) (previously presented) A method of treating dandruff comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

26) (canceled)

27) (currently amended) A composition comprising:

- a) from 0.1% to 5 % of a zinc-containing layered material wherein the zinc-containing layered material is ~~an impurity containing a~~ basic zinc carbonate containing an impurity;
- b) from 10 % to 50% of a surfactant including a surfactant with an anionic functional group;
- c) from 0.1% to 2% of a pyrithione or a polyvalent metal salt of a pyrithione wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione; wherein the ~~impurity containing~~ basic zinc carbonate containing an impurity has a relative zinc lability of greater than 15% and further wherein the ratio of surfactant to ~~impurity containing~~ basic zinc carbonate containing an impurity is greater than or equal to 2 to 1.